

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 21-38 are pending, Claims 22 and 31 having been canceled without prejudice or disclaimer, and Claims 21 and 30 having been amended by way of the present amendment.

In the outstanding Office Action Claims 21, 29, 30 and 38 were rejected under 35 U.S.C. 102(e) as being anticipated by Cerwall et al. (U.S. 006868277B1, hereinafter "Cerwall et al."), Claims 22-28 and 31-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cerwall et al. in view of Bhatia et al. (U.S. 006112101A, hereinafter "Bhatia et al.").

In reply, it is first noted that Claims 22 and 31 have been canceled without prejudice or disclaimer, the features of Claim 22 being incorporated into Claim 21 and the features of Claim 31 being incorporated into Claim 30. Accordingly, the amendments to Claims 21 and 30 add no new matter.

Furthermore, and as a preliminary matter, Applicants respectfully request that the Information Disclosure Statement (IDS) filed on June 21, 2004 be acknowledged. In particular, Applicants respectfully request an initialed copy of the form PTO-1449. If the examiner does not have a copy of this IDS in the USPTO's file, the examiner is invited to telephone the undersigned, and the undersigned will gladly provide a duplicate copy, along with a copy of the date-stamped filing receipt showing that the IDS was filed on June 21, 2004.

Claim 21 is directed to a resource allocation method to allocate a new radio resource to a link between a base station and a requesting mobile station. The method includes a step of causing the base station to detect use-state information of radio resources in the base stations cell and in respective neighboring base stations. The method also includes detecting

the priority information of mobile stations using the same radio resource of both the base station and neighboring base stations by accessing an external radio resource management table. The method further includes causing the base station to determine whether an up/down link direction related to a non-allocated radio resource is the same as an up/down link direction related to an allocated radio resource in one of the cell sites of the neighboring stations. Based on the use-state information and priority information in the detecting step, and a result of the determining step, the base station allocates a new radio resource to the link between the base station and requesting mobile station. Amended Claim 21 also includes a step of causing the base station to determine whether a level of priority of the requesting mobile station is higher than a level of priority of each of the mobile stations using the radio resources based on the priority information of the base station of concern and neighboring base stations. Finally, the method includes a step of causing the base station to determine whether allocation of the non-allocated radio resource in the cell site is possible.

Figure 4 is a flow chart of one example method according to Claim 21. As shown, step S5 shows an inquiry regarding whether the link transmitting direction is the same, and if it is, proceeding to step S7, where the allocation of resources is checked to see whether it is possible or not. On the other hand, if in the inquiry in step S5 is determined to be negative, the priority level of the mobile station is checked to see whether it is higher, and if it is proceed to step S7. On the other hand, if the priority level is not higher, then the request is placed in a queue (step S11). As a consequence of this process, the new radio resource is allocated to the link based on both use-state information and priority information detected by the detecting step and based on the results of the claimed determination step.

Because the features of Claim 22 have been included in Claim 21, and the features of Claim 31 have been included in Claim 30, it is respectfully submitted that the anticipation

rejection of Claims 21, 30, 29 and 38 is now moot.

The outstanding Office Action recognizes that Cerwall et al. does not teach the steps of causing the base station to determine whether a level of priority of the requesting mobile station is higher than a level of priority of each of the mobile stations using radio resources allocated. Applicants agree with this.

However, Bhatia et al. is asserted for its alleged disclosure of causing the base station to determine whether a level of priority of the requesting mobile station is higher than a level of priority of each of the mobile stations using the radio resources allocated (citing column 2, lines 38-64). Bhatia et al. neither teaches nor suggests a step of causing the base station to determine whether a level of priority of the requesting station is higher than a level of priority of each of the mobile stations using the radio resources allocated based on the priority information related to the base station of concern and the priority information relating to the neighboring base stations. Bhatia et al. does not clearly describe any determination level of priority between the mobile stations and the neighboring base stations including the base station of concern. Accordingly, it is respectfully submitted that no matter how Cerwall et al. and Bhatia et al. are combined, the combination does not teach the claimed feature of allocating based on the priority information related to the base station of concern and the priority information relating to the neighboring base stations. For the reason, it is respectfully submitted that the invention defined by amended Claims 21, 23-30 and 32-38, patentably defines over the asserted prior art.

In view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 21, 23-30 and 32-38, as amended, patentably defines over the asserted prior art. The present application is therefore believed to

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be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

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